IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE D.S.R.VARMA
WRIT PETITION NO : 8442 of 1994

Between:
N.Michel Manoharam, S/o. N.Purushotham,
Aged about 39 years, B.Ed., Assistant,
H.M.M. High School, Kodur,
R/o. Kodur, Cuddapah District.

.... PETITIONER

AND
1.The Director of School Education,
Andhra Pradesh, Hyderabad.
2.The District Educational Officer, Cuddapah.
3.H.M.M. High School, Kodur, rep., by its
Correspondent, H.M.M. High School, Kodur,
Cuddapah District.
4.Smt. D.Helen Margaret, B.Ed., Assistant,
C/o. H.M.M. High School, Kodur,
Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the Proceedings of the first respondent in Rc.3613/D1-4/93, dated 29-01-1994, as arbitrary, illegal and unjust and issue a consequential direction to the respondents to promote the petitioner as B.Ed., Assistant in the third respondent School with retrospective effect i.e., from 02-03-1984 with all consequential benefits of Pay and Seniority.

For the Petitioner: MR.S.SATYANARAYANA PRASAD, SENIOR ADVOCATE.

For the Respondent Nos1 & 2.: GP FOR SCHOOL EDUCATION.

For the Respondent Nos.3 & 4: None appeared.

The Court Made the Following:

ORAL ORDER:

Heard both sides.

2. The proceedings of the first respondent in Rc.No.3613/D1-4/93, dated 29-01-1994, are under challenge in this writ petition.

3. The facts, in brief, appears to be that the petitioner's appointment as B.Ed., Assistant with effect from 02-03-1984 was approved by the second respondent authority through proceedings, dated 20-11-1993, and the same had been challenged by the fourth respondent by way of an appeal before the first respondent. Upon filing of such appeal, through the impugned proceedings, the proceedings of the second respondent have been stayed and made it clear that the same would only be subject to the result in the Second Appeal No.135 of 1991, pending before this Court, which relates to inter se seniority between the petitioner and the fourth respondent.

4. Now, it is represented by Sri S.Satyanarayana Prasad, learned Senior Counsel appearing on behalf of the petitioner, and also the leaned Government Pleader for School Education that the said Second Appeal No.135 of 1991 had already been dismissed by this Court through Judgment, dated 10-07-2001, resulting in upholding the seniority of the petitioner.

5. Having regard to the said fact, the impugned proceedings are liable to be set aside and the writ petition is liable to be allowed.

6. In the result, the writ petition is allowed and the impugned proceedings, dated 29-01-1994, of the first respondent are hereby set aside and consequently the proceedings, dated 20-11-1993, of the second respondent approving the appointment of the petitioner with effect from 02-03-1984 stands restored. However, there shall be no order as to costs.

24TH JUNE 2004 D.S.R.VARMA, J
KRK

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the 24th day of June, Two

Thousand and Four.

To:

1.The Director of School Education, Andhra Pradesh, Hyderabad.
2.The District Educational Officer, Cuddapah.
3.The Correspondent, H.M.M. High School, Kodur, H.M.M. High School, Kodur, Cuddapah District.
4.Smt. D.Helen Margaret, B.Ed., Assistant, C/o. H.M.M. High School,
Kodur, Cuddapah District.
5.Two CCs to Government Pleader for School Education, High Court Buildings, Hyderabad (OUT).
6.Two CD copies.
7. One spare.